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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,519	12/14/2000	Jin Seok Lee	8733.350.00	4975

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EXAMINER
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PARKER, KENNETH

ART UNIT	PAPER NUMBER
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2871

DATE MAILED: 03/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/735,519

Applicant(s)

LEE, JIN SEOK

Examiner

Kenneth A Parker

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 6-14, 16-30 and 32-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-14, 16-30 and 32-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

***Claim Rejections - 35 USC § 112***

Claims 1-3, 6-14, 16-30, 32-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "non-exposing" material has no clear meaning. For examining purposes, it is assumed to be one which was not patterned.

***Claim Rejections - 35 USC § 103***

**I. Claims 1-3, 6-14, 16-30, 32-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta et al, U.S. Patent # 6,208,399, or alternatively, the associated PCT WO98/47044, in view of Ohta et al 5978059.**

The color filter, substrate and BM and pixel/common electrode on the other substrate is shown in figure 2, 21 and 22. The overcoat being epoxy or acrylic is listed on col. 11, lines 14-24. Lacking from the disclosure is the electrodes on the same substrate, the black matrix of a polymer, and the transparent conductive material as either one of the two electrodes or on the second substrate.

Lacking from the disclosure is the layer OC (the overcoat layer) not being patterned. As no patterning is shown, and no need present, it would have been obvious not pattern the OC layer as it would not have been necessary. Therefore

it would have been obvious, in the device of Ohta, not to pattern layer OC as there would not have been a need.

Also lacking from the disclosure is black matrix being a dyed polymer. The use of a dyed polymer was well known to be used as a black matrix for low cost. This is evidenced by the secondary reference Ohta '059 (the col 19, lines 57-65). Therefore it would have been obvious, in the device of Ohta '399 or its associated international patent publication, to employ a polymer black matrix for the benefit of low cost.

Pixels on the same plane as the common electrodes was a well known functionally equivalent alternative to the same plane, and obvious for that reason. Transparent material for the common pixel was known to increase the aperture, and obvious for that reason.

### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are persuasive. What constitutes a non-exposing material is still not clear. The assumption that it corresponds to non-patterned is still being held, as no other possibilities are yet clear.

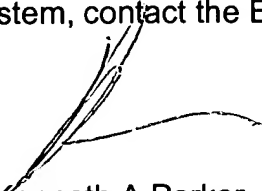
Regarding the arguments to the art rejection, as the lack of a need to pattern would have been clear to one of ordinary skill that the steps would have been unnecessary, and therefore the benefits of not performing the steps would not have been unexpected, and those benefits therefore would not tip the scale towards patentability.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth A Parker whose telephone number is 571-272-2298. The examiner can normally be reached on 10:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on 571-272-2293. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kenneth A Parker  
Primary Examiner  
Art Unit 2871